

REMARKS/ARGUMENTS

Rejections Under 35 U.S.C. § 102(e)

The Office Action of September 23, 2005, rejected Claims 1, 5-24, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,577,861 to Ogasawara (hereinafter "the Ogasawara patent"). The Office Action claims that the Ogasawara patent discloses "a method in a user equipment for enabling use thereof in electronic transactions said user equipment having transaction means for conducting a transaction with a merchant entity (the particular purchase transaction program which is transmitted from the store server), the method comprising: receiving at the user equipment control information from a management entity; and updating the transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof (the purchase transaction program may contain different menu, option, methods for making selection, and/or methods for making payment for purchase)." (Emphasis and internal citations omitted.)

Applicants respectfully submit that the Ogasawara patent fails to teach or disclose all of the claim limitations of the rejected claims. Specifically, independent Claim 1 includes the steps of (i) receiving at the user equipment control information from a management entity independent of the merchant entity with which a transaction is to be conducted and (ii) updating transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof. Nowhere in the Ogasawara patent is there any disclosure or suggestion to provide control information to a user equipment from a management entity independent of the merchant entity with which a transaction is to be conducted.

Similarly, independent Claim 21 specifies a transaction service entity of a credit card issuer adapted to generate control information to be transported to the user equipment. Likewise, independent Claim 26 specifies the steps of receiving at the user equipment control information from a management entity of a credit card issuer and changing the configuration of the transaction means based on the received control information. Nowhere in the Ogasawara patent is there any disclosure or suggestion to provide control information to a user equipment from a transaction service entity or management entity of a credit card issuer. The Ogasawara patent refers at cited column 18, lines 36 to 63 to the option of making payments by credit card by entering a credit card account number or pre-registering a credit card with the seller, but there is no disclosure or suggestion for the *credit card issuer* to provide control information to the shopper's mobile telephone for updating or changing the configuration of the purchase transaction program for making transactions with the store. On the contrary, as evidenced by the sections of the Ogasawara patent listed below, the key teaching of the Ogasawara patent is for the *store company's*

purchase transaction program to be provided to the shopper's mobile telephone *from the server of the company that operates the store* every time the shopper visits the store, not from *a transaction service entity or a management entity of a credit card issuer*.

The aforementioned aspects of the Ogasawara patent teach away from the techniques recited in independent Claims 1, 21, and 26 of the present application. For example, in column 2, lines 49 to 52, the Ogasawara patent describes that "once a customer visits a store, the customer simply dials the number of the *store's* personal shopping system service. The personal shopping system application is then automatically downloaded into the customer's telephone." In column 2, lines 61 to 65, the Ogasawara patent describes that "a *store* maintains a server which provides a downloadable purchase transaction program to a purchaser's wireless telephone when the purchaser calls *the store's server* via the purchaser's wireless telephone." In column 3, lines 7 to 14, the Ogasawara patent describes "downloading (i.e. downloading the purchase transaction program *from the store company's server* as needed) allows a plurality of different sellers to utilize their own programs, *rather than requiring a single, universal program for all sellers* ... different sellers will desire to incorporate their different messages, advertisements, menus, etc. into their own purchase transaction program and to further customize their own purchase transaction program so as to tailor it to the products being sold." And in column 16, lines 16 to 27, the Ogasawara patent describes that "the purchaser merely dials the number of the server 10, 26 for the company from which the purchaser would like to make a purchase ..., then a purchase transaction program is downloaded from the server into the wireless telephone". *See the Ogasawara patent* (emphasis added). Thus, the Ogasawara patent discloses using the *store company's own purchase transaction program* to be provided to the shopper's mobile telephone *from the server of the company that operates the store* and does not disclose or suggest providing control information to a user equipment *from a management entity independent of the merchant entity* as required by Claim 1, *a transaction service entity of a credit card issuer* adapted to generate control information to be transported to the user equipment as required by Claim 21, or receiving at the user equipment control information *from a management entity of a credit card issuer* as required by Claim 26.

Accordingly, Applicants submit that the Ogasawara patent does not disclose or suggest all of the claim limitations of Claims 1, 21, and 26 and that such claims are in a condition for allowance. In view of the remarks presented above with respect to Claims 1 and 21, Applicants submit that pending dependent Claims 5-20 and 22-24, depending from Claims 1 and 21, respectively, are in condition for allowance for the reasons provided with respect to Claims 1 and 21. Applicants submit that the above remarks traverse the § 102(e) rejections of the Office Action.

Conclusion

In view of the remarks presented above, Applicants submit that all of the pending Claims 1, 5-24, and 26 are in condition for allowance. Accordingly, entry of the allowance of the application is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

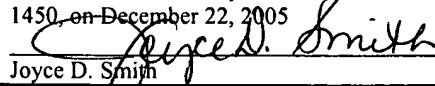


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